



To the Honorable Council
City of Norfolk, Virginia


July 12, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate an Eating and Drinking Establishment at 7750 Tidewater Drive, Bldg 3, Unit 305 – Wing Stop**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 3/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-5**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **5 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to operate an eating and drinking establishment
- IV. **Applicant:** Wing Stop
- V. **Description:**
 - The site is located at the east side of Tidewater Drive within the Little Creek Marketplace shopping center.
 - The applicant proposes to serve alcoholic beverages for on-premises consumption at Wing Stop, an existing restaurant.

	Proposed
Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 12:00 midnight, seven days a week
Capacity	<ul style="list-style-type: none">• 34 seats indoors• 0 seats outdoors• 73 total capacity

- VI. **Historic Resources Impacts**
The building is not located within a federal, state, or local historic district.
- VII. **Public Schools Impacts**
This site is located in the Crossroads Elementary School, Norview Middle School and Norview High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated June 23, 2016 with attachments
- Ordinance

Planning Commission Public Hearing: June 23, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	Item No.: 12	
Address	7750 Tidewater Drive, Bldg 3, Unit 305	
Applicant	Wing Stop	
Request	Special Exception	Eating and drinking establishment
Property Owner	Little Tidewater Associates, LLC	
Site Characteristics	Building Area/Space Area	13,537 sq. ft./1,600 sq. ft.
	Zoning	C-3 (Retail Center) and Little Creek Marketplace Localized Alternative Sign Overlay
	Neighborhood	Crossroads/Oakwood Farms
	Character District	Suburban
Surrounding Area	North	C-3: Retail and office; Bank Atlantic, Patriot Computers, Great Wall, ABC store
	East	C-3: Fuddrucker's and Sam's Club
	South	C-3: Wal-Mart
	West	C-3: Southern Shopping Center



A. Summary of Request

- The site is located at the east side of Tidewater Drive within the Little Creek Marketplace shopping center.
- The applicant proposes to serve alcoholic beverages for on-premises consumption at Wing Stop, an existing restaurant.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The site is zoned C-3 (Corridor Commercial) district which permits the use by Special Exception.
- The site is surrounded by commercial uses.

	Proposed
Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 12:00 midnight, seven days a week
Capacity	<ul style="list-style-type: none">• 34 seats indoors• 0 seats outdoors• 73 total capacity

ii. Parking

- The site is located in the Suburban Character District.
- Adding the sale of alcoholic beverages to an existing eating establishment does not require additional parking.
- No increase in occupancy or building floor area is proposed thus no additional parking impacts are anticipated.
- Bicycle parking is provided.

ii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- No new trips are forecast related to the proposed addition of on-site alcohol sales at this existing restaurant.
- Neither Tidewater Drive nor Little Creek Road adjacent to the site are identified as severely congested corridors in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with Hampton Roads Transit bus routes 5 (Willoughby), 8 (Tidewater) and 21 (Little Creek) operating near the site.

- Neither Tidewater Drive nor Little Creek Road adjacent to the site are identified priority corridors in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The building is not located within a federal, state, or local historic district.

F. Public Schools Impacts

The site is located in the Crossroads Elementary School, Norview Middle School and Norview High School Attendance Zones.

G. Environmental Impacts

The site was developed under current development standards, including current standards for landscaping and parking.

H. Impact on Surrounding Area/Site

Over the past year, there have been seven calls for police service at this site with no arrests made.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

Letters were sent to the Crossroads Civic League and Oakdale Farms Civic League on May 11.

K. Communication Outreach/Notification

- Legal notice was posted on the property on May 17.
- Letters were mailed to all property owners within 300 feet of the property on June 9.
- Legal notification was placed in *The Virginian-Pilot* on June 9 and June 16

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Special Exception Conditions – Eating and Drinking Establishment

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 12:00 midnight, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 34 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 73 people.

- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location map

Zoning map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Crossroads and Oakdale Farms Civic Leagues

Proponents and Opponents

Proponents

None

Opponents

None

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "WING STOP" ON PROPERTY LOCATED AT 7750 TIDEWATER DRIVE, BUILDING 3, UNIT 305.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Mid Atlantic Wings, LLC authorizing the operation of an eating and drinking establishment named "Wing Stop" on property located at 7750 Tidewater Drive, Building 3, Unit 305. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 1,505 feet, more or less, along the eastern line of Tidewater Drive and 480 feet, more or less, along the southern line of East Little Creek Road; premises numbered 7750 Tidewater Drive, Bldg 3, Unit 305.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 34 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 73 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (f) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (g) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (h) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (i) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission

shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (j) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (k) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and

development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 04/21/2016

Trade name of business Wing stop

Address of business 7750 Tidewater Drive, Unit 305, Building 3 Norfolk VA 23505

Name(s) of business owner(s)* SANJAY PATEL ; Midatlantic Wings LLC

Name(s) of property owner(s)* TIMOTHY FINN ' Little Tidewater Associates LLC

Daytime telephone number (757) 465 8282

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From 11 am To 12 am

Friday From 11 am To 12 am

Saturday From 11 am To 12 am

Sunday From 11 am To 12 am

Alcoholic Beverage Sales

Weekday From 11 am To 12 am

Friday From 11 am To 12 am

Saturday From 11 am To 12 am

Sunday From 11 am To 12 am

2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises

☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

☒ Beer

☐ Wine

☐ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required)

☒ No

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

8a. If yes, explain

9. Will there ever be a minimum age limit?
☒ Yes ☐ No

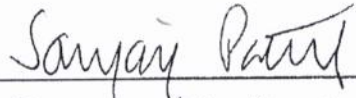
21 yrs for drinking

Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

N/A

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

Miladlanter Wings LLC

Location Map



LITTLE CREEK ROAD

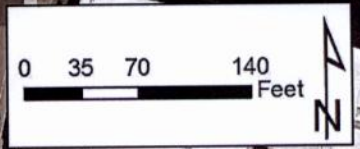
ORCHID AVENUE

HAROLD STREET

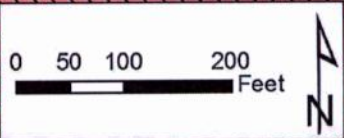
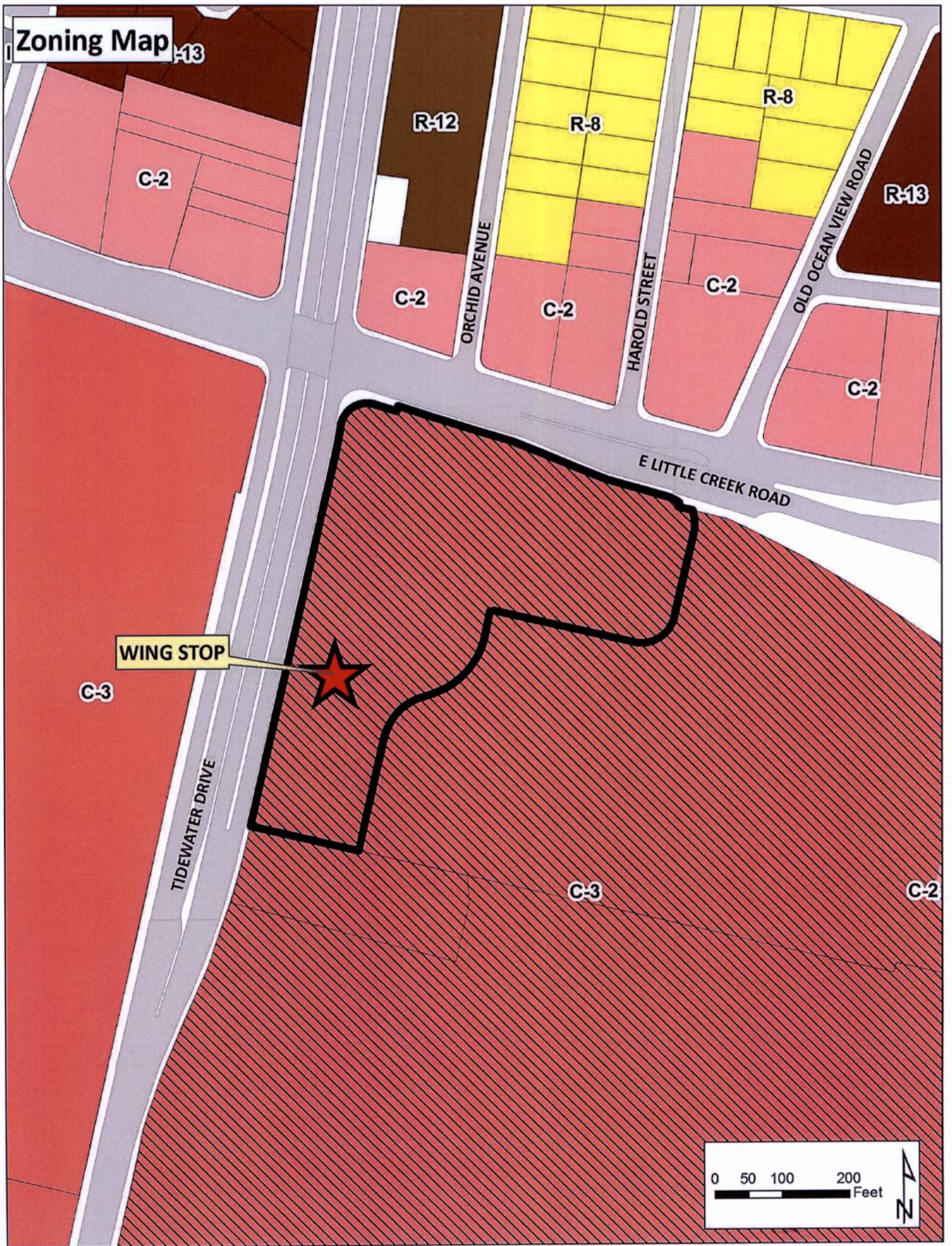
TIDEWATER DRIVE

WING STOP

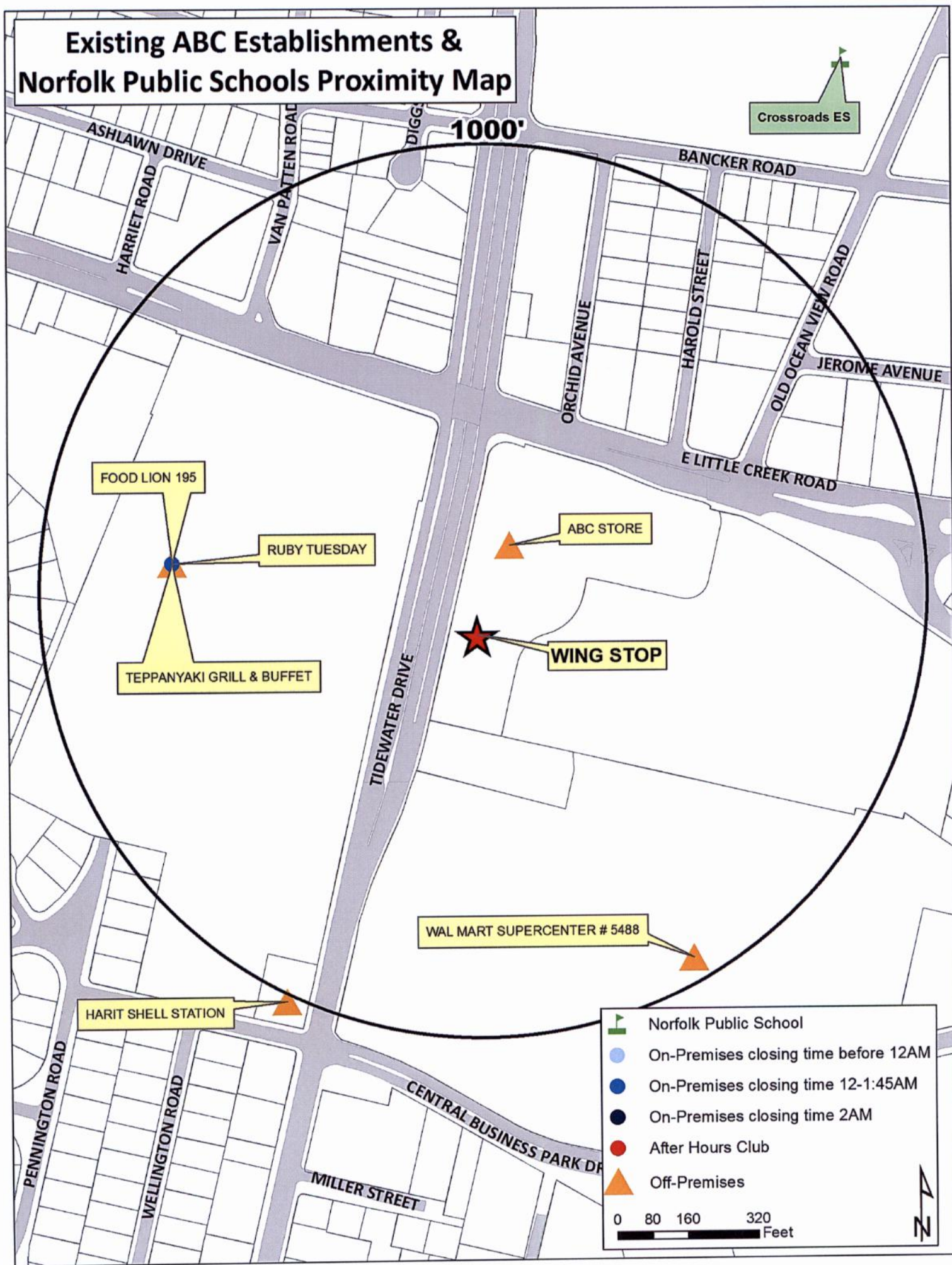
TIDEWATER DRIVE
TIDEWATER DRIVE



Zoning Map



Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 04/21/2016

DESCRIPTION OF PROPERTY

Address 7750 Tidewater Drive, Unit 305, Building 3 Norfolk VA 23505

Existing Use of Property Restaurant (new building)

Proposed Use Restaurant (new building)

Current Building Square Footage 1600

Proposed Building Square Footage 1600

Trade Name of Business (if applicable) WING STOP

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Midatlantic Wings LLC

1. Name of applicant: (Last) PATEL (First) SANJAY (MI) _____

Mailing address of applicant (Street/P.O. Box): 2434 GUM Road

(City) Chesapeake (State) VA (Zip Code) 23321

Daytime telephone number of applicant (757) 465 8282 Fax (757) 465 8585

E-mail address of applicant: sanjay.patel@lapgroup.com

**Application
Eating and Drinking Establishment
Page 2**

AUTHORIZED AGENT (if applicable)

N / A

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

~~PROPERTY OWNER~~ → Little Tidewater Associates LLC

~~PROPERTY OWNER~~ ^{MANAGER} 3. Name of ~~property owner~~: (Last) Finn (First) Timothy (MI) _____

Mailing address of property owner (Street/P.O. box): 1700 Wells Fargo Center

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 627 8611 email: tfinn@slvusbaum.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: LITTLE TIDEWATER ASSOCIATES, LLC Sign: Timothy Fuen, Manager 4/25/16
(Property Owner) (Date)

Print name: Sanjay Patel Sign: Sanjay Patel 4/21/2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / _____ / _____
(Authorized Agent Signature) (Date)

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

34

Number of bar seats

9

Standing room

b. Outdoor

Number of seats

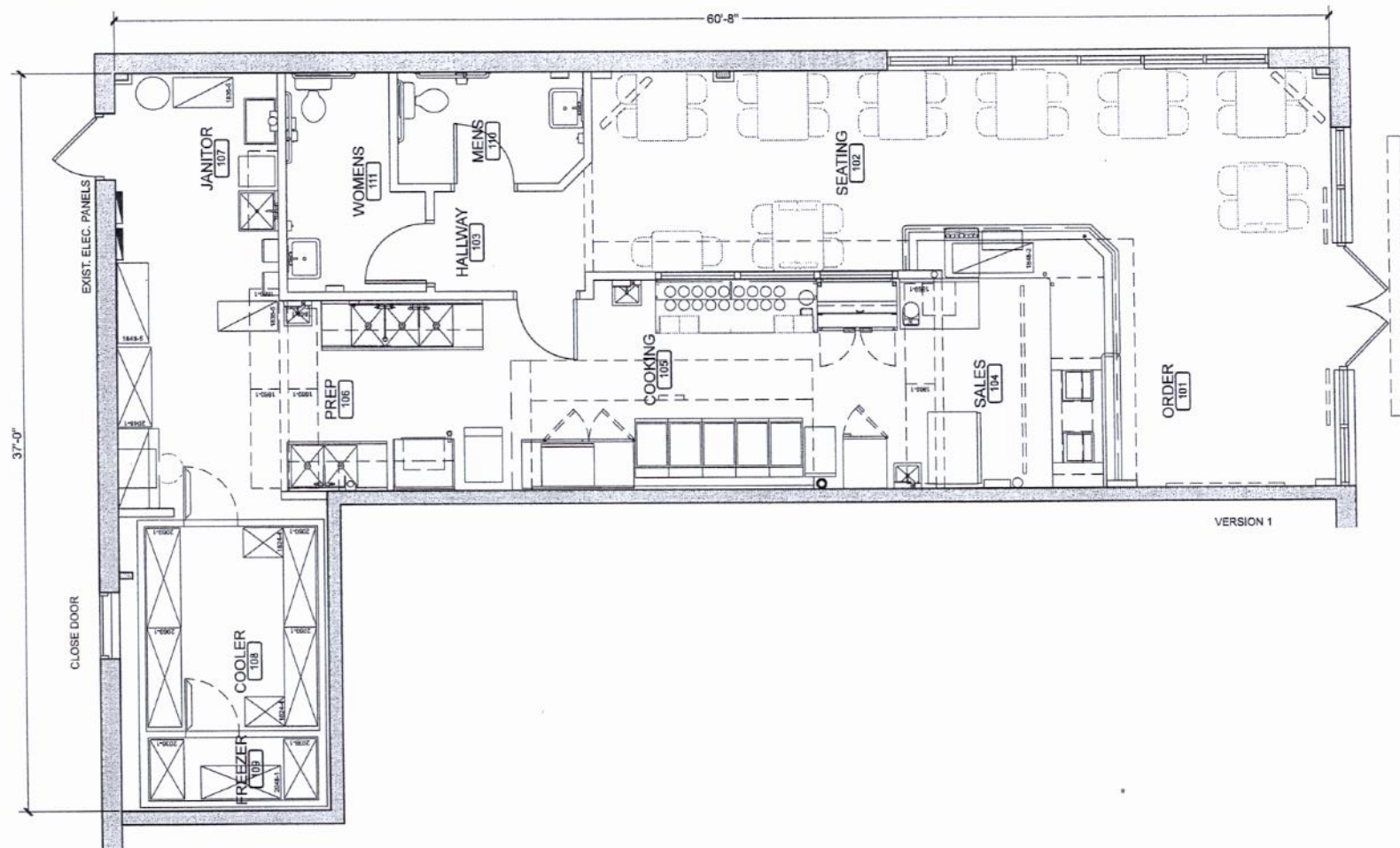
0

c. Number of employees

30

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 73



PROJECT DATA:

OVERALL NET LEASE (USABLE) AREA: 1,439 SQ. FT. (NET USABLE SPACE)
 SALES, COOKING, PREP & JANITOR AREAS: 723 SQ. FT. @ 1/200 (GROSS) = 4 OCCUPANTS
 SEATING AREA: 404 SQ. FT. @ 1/15 = 27 OCCUPANTS
 ORDER (STANDING) AREA: 60 SQ. FT. @ 1/5 = 12 OCCUPANTS
 COOLER / FREEZER AREA: 135 SQ. FT. (ACCESSORY USE, NOT APPLICABLE)
 PASSAGE, MEN & WOMEN RESTROOM AREAS: 167 SQ. FT. (ACCESSORY USE, NOT APPLICABLE)
 SEATING ANALYSIS: 34 TOTAL SEATS
 TOTAL OCCUPANT LOAD: 43 OCCUPANTS

LAYOUT NOTES:
 - VERIFY ALL DIMENSIONS OF SPACE
 AND OPENINGS



GL#TBD

PROJECT LOCATION:

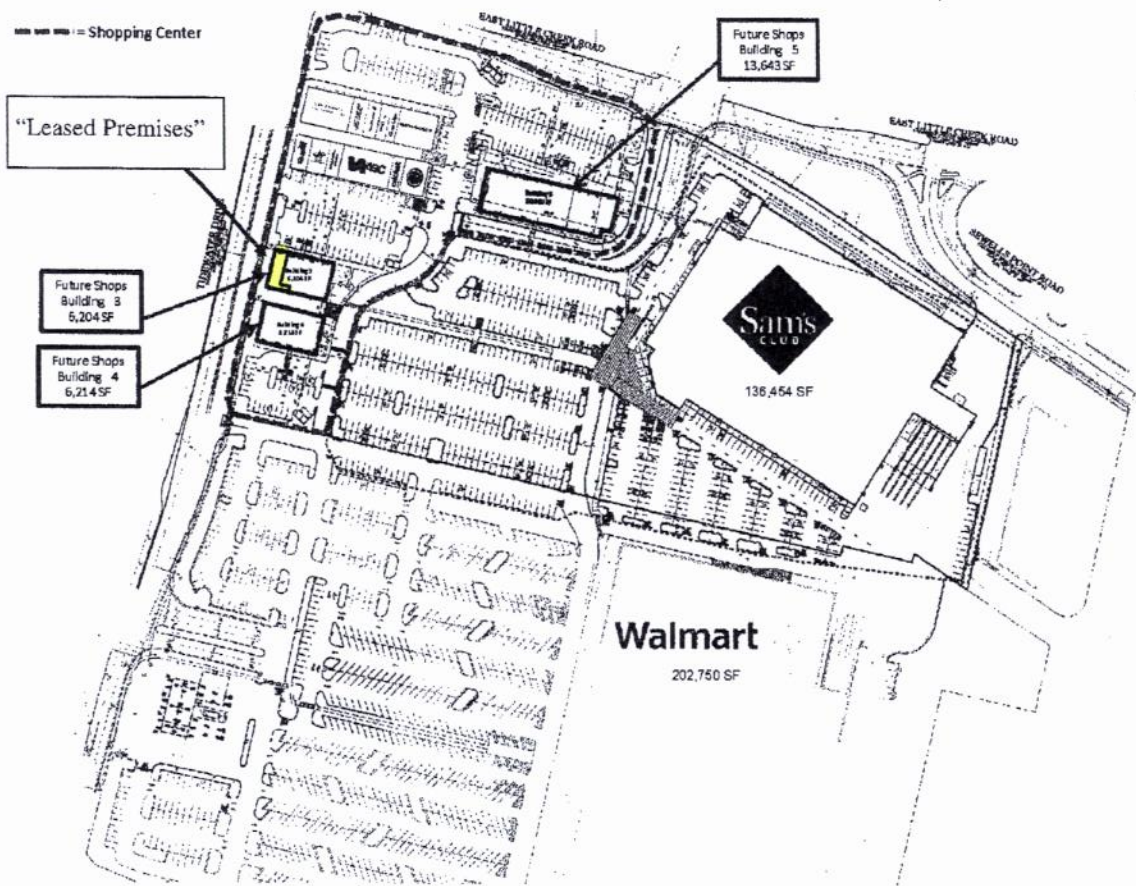
NORFOLK, VA

DRAWING NAME

SCHEMATIC
EQUIPMENT PLAN

ISSUE DATE: 09/21/2015
 REVISED DATE: 09/24/2015

**EXHIBIT A
SITE PLAN**



Note: This attached Exhibit A shall not be deemed to be a warranty on the part of the Landlord that the Shopping Center and/or the Leased Premises will be exactly as indicated on said diagram. Landlord may make changes or modifications to the Leased Premises and Shopping Center as Landlord from time to time deems proper.

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, May 11, 2016 10:54 AM
To: 'beluce@cox.net'; 'hankmech99@cox.net'
Cc: Johnson, Mamie; Williams, Angelia M.; Herbst, James; Simons, Matthew
Subject: new Planning Commission application - 7750 Tidewater Dr
Attachments: WingStop.pdf

Ms. Luce and Mr. Brown,

Attached please find the application for a special exception to operate an eating and drinking establishment at 7750 Tidewater Drive, Unit 305.

The item is tentatively scheduled for the June 23, 2016 Planning Commission public hearing.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II


City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

